

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BUTTE DIVISION**

RICHARD CHARLES LUSSY,

Plaintiff,

v.

HENRY PAUMIE LUSSY, et. al.,

Defendants.

CV-17-79-BU-BMM-JCL

**ORDER ADOPTING MAGISTRATE  
JUDGE'S FINDINGS AND  
RECOMMENDATIONS**

Plaintiff Richard Charles Lussy filed a Motion for Default Judgment as to Defendants Launa Lynn Roque and Juahlee Murie Bornff on December 11, 2017. (Doc. 11.) Lussy filed an amended Motion for Default Judgment on December 15, 2017. (Doc. 15.) Judge Lynch ordered entry of default against Roque and Bornff on January 23, 2018. (Doc. 30 at 4.)

Roque and Bornff now move under Federal Rule of Civil Procedure 55(c) to set aside the default entered against them. (Doc. 39.) Lussy has also filed a second motion for default judgment against Roque and Bornff. (Doc. 37.)

United States Magistrate Judge Jeremiah Lynch issued Findings and Recommendation in this matter on February 23, 2018. (Doc. 43.) Judge Lynch found that Roque and Bornff had demonstrated good cause for setting aside the entry of default. *Id.* at 1. Judge Lynch recommended that the Court grant Roque

and Bornff's motion to set aside the entry of default. *Id.* at 7. Judge Lynch further recommended that the Court deny Lussy's second motion for default judgment. *Id.*

No party filed objections to Judge Lynch's Findings and Recommendations. The Court has thus reviewed the Findings and Recommendation for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). The Court finds no error in Judge Lynch's Findings and Recommendation, and adopts them in full.

### **ORDER**

Accordingly, **IT IS ORDERED** that Magistrate Judge Lynch's Findings and Recommendation (Doc. 43) is **ADOPTED IN FULL**.

Defendants Roque and Bornff's Motion to Set Aside the Entry of Default (Doc. 39) is **GRANTED**.

Plaintiff Lussy's Motion for Default Judgment (Doc. 37) is **DENIED**.

DATED this 5th day of April, 2018.



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Brian Morris  
United States District Court Judge